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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte LIAM B. QUINN and ALAN ERIC SICHER

Appeal 2009-012707
Application 09/768,072
Technology Center 2600

Before JOSEPH F. RUGGIERO, JOHN A. JEFFERY, and GLENN J.
PERRY, *Administrative Patent Judges*.

RUGGIERO, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the Final Rejection of claims 1-5, 8-13, 15, 17, and 19-21, which are all of the pending claims. Claims 6, 7, 14, 16, and 18 have been canceled. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Rather than reiterate the arguments of Appellants and the Examiner, we refer to the Appeal Brief (filed Dec. 5, 2006), the Answer (mailed Jan. 22, 2007), and the Reply Brief (filed Mar. 19, 2007).

Appellants' Invention

Appellants' invention relates to a switching system for multiple transceivers in a mobile computing system permitting communication through various protocols. The switching system connects the appropriate transceiver to the appropriate antenna according to a priority criteria based on power transmitted or received on communication channels. *See generally* Spec. 4:12-16, 8:9-14, and 9:11-16.

Claim 1 is illustrative of the invention and reads as follows:

1. A portable computing system with selectable transceiver switching comprising:
 - a set of one or more transceivers, each of the transceivers with a unique communication protocol;
 - a switch capable of differentiating communication signals and prioritized choosing, based on one of power being used to transmit, and power being received on a particular channel of an appropriate transceiver from the set of transceivers to communicate for the computing system;
 - the switch interfacing with a system stack for controlling the interface to multiple types of the transceivers via an operating system; and
 - a connector connecting an antenna system to the switch for communicating with the one or more transceivers, whereby power related switching is controlled between the one or more transceivers and the antenna system, the antenna system being integrated into a chassis of the portable computing system and the transceivers and switch being integrated into a circuit card and coupled to a system board of the portable computer system, the circuit card being connected to a communication jack.

The Examiner's Rejections

Claims 1, 2, 4, 8-13, 15, 17, and 19-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Vaisanen (US 6,560,443 B1, issued May 6, 2003), in view of Yamazaki (US 5,884,189, issued Mar. 16, 1999, and Paredes (US 6,577, 500 B2, issued June 10, 2003) .

Claims 3, 5, and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Vaisanen in view of Yamazaki, Paredes, and Dvorkin (US 6,249,686 B1, issued June 19, 2001).

ANALYSIS

Claims 1, 2, 4, 8-13, 15, 17, and 19-21

Appellants' arguments, with respect to the obviousness rejection of independent claims 1 and 15, focus on the contention that Vaisanen does not teach or suggest the power based "prioritized choosing" of an appropriate transceiver from a set of transceivers for communication in a computing system as claimed (App. Br. 4-5; Reply Br. 3-4). According to Appellants, Vaisanen's teaching that a particular type of communication may be preferable for a particular mobile terminal communication "neither rises to the level of, nor renders obvious" the claimed "prioritized choosing" feature (Reply Br. 3).

We do not agree with Appellants. As argued by Appellants, Vaisanen indeed discloses that the higher power/wider coverage features of Wireless Local Area Network (WLAN) communication are preferred over the low power/low range Bluetooth network communication (col. 5, ll. 5-26 and col. 6, ll. 36-53). We agree with the Examiner, however, that it is precisely this

preference which establishes a “prioritized choosing” of a particular communication protocol in Vaisanen.

As explained by the Examiner (Ans. 7-8), Vaisanen suggests that the higher power/ wider coverage WLAN protocol will take priority over the low power/low range Bluetooth protocol unless the mobile terminal is outside the available power range of the WLAN (col. 6, ll. 41-46). At this point, the less preferred, i.e., lower priority, low power Bluetooth protocol will be selected while the possible future availability of the more preferred, i.e., higher priority, high power WLAN protocol is continuously monitored (col. 6, ll. 46-49).

Further, while Appellants have nominally challenged the Examiner’s basis for the proposed combination of Vaisanen with Yamazaki and Paredes, Appellants have provided mere generalized and conclusory statements in support of their position (App. Br. 5-6; Reply Br. 4-5). We find that the Examiner has provided a valid articulated line of reasoning with a rational underpinning to support the conclusion of obviousness with respect to the proposed combination of the prior art references (Ans. 4). *KSR Int’l Co. v. Teleflex, Inc.*, 550 U.S. 398, 418 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)).

For the above reasons, the Examiner’s 35 U.S.C. § 103(a) rejection of independent claims 1 and 15, as well as dependent claims 2, 4, 8-13, 17, and 19-21 not separately argued by Appellants, is sustained.

Claims 3 and 5-7

We also sustain the Examiner's obviousness rejection, based on the combination of Dvorkin with Vaisanen, Yamazaki, and Paredes, of dependent claims 3 and 5-7.¹ Appellants have not argued the rejected claims with any particularity but, instead, have relied upon arguments asserted against the rejection of independent claims 1 and 15, which arguments we have found unpersuasive as discussed *supra*.

CONCLUSION OF LAW

Based on the analysis above, we conclude that the Examiner did not err in rejecting claims 1-5, 8-13, 15, 17, and 19-21 for obviousness under 35 U.S.C. § 103(a).

DECISION

We affirm the Examiner's decision rejecting claims 1-5, 8-13, 15, 17, and 19-21 under 35 U.S.C. § 103(a).

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv)(2010).

AFFIRMED

gvw

¹ We treat the Examiner's failure to include Paredes, used in the rejection of base claim 1, in the statement of the rejection as inadvertent harmless error.